United Nations S/2012/7

Security Council

Distr.: General
5 January 2012

Original: English

Letter dated 4 January 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (see annex), which contains an account of the Committee's activities during the period from 1 January to 31 December 2011. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) H. S. **Puri**
Chair
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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Annex

Report of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

I. Introduction

1. The present report of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea covers the period from 1 January to 31 December 2011.

2. For 2011, the Bureau of the Committee consisted of H. S. Puri (India) as Chair, with the delegations of Lebanon and Nigeria providing the Vice-Chairs.

II. Background

3. By its resolution 733 (1992), the Security Council imposed a general and complete arms embargo on Somalia, and by its resolution 751 (1992), the Council established a Committee to oversee the implementation of the embargo. Subsequently, in its resolutions 1356 (2001), 1425 (2002), 1744 (2007), 1772 (2007), 1846 (2008), 1851 (2008) and 1916 (2010), the Council outlined certain exemptions to the embargo and further elaborated the scope of the measures.

4. By its resolution 1844 (2008), the Security Council decided that all Member States should take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee. The Council also decided that all Member States should freeze without delay the funds, other financial assets and economic resources owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee. The Council reaffirmed the general and complete arms embargo against Somalia, including measures to prevent the supply of related training and financial and other assistance to designated individuals and entities.

5. By paragraph 8 of the same resolution, the Security Council mandated the Committee to designate individuals and entities: (a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia; (b) having acted in violation of the general and complete arms embargo; and (c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia. By its resolution 2002 (2011), the Council added to these criteria: (d) being political or military leaders recruiting or using children in armed conflicts in Somalia; and (e) being responsible for violations of international law involving the targeting of civilians, including children and women, in situations of armed conflict. The Committee was entrusted with, inter alia, the tasks of monitoring the implementation of the travel ban and assets freeze, with the support of the Monitoring Group; seeking from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the travel ban and assets freeze; and reporting to the Council at least every 120 days on its work and on the implementation of resolution 1844 (2008).

6. On 12 April 2010, the Committee decided to list eight individuals and one entity to be subject to the travel ban, assets freeze and targeted arms embargo imposed under resolution 1844 (2008). On 28 July 2011, the Committee added two individuals to the list.

7. By resolution 2002 (2011), the Security Council decided to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), consisting of eight experts, for a period of 12 months, and expanded its mandate in line with recent resolutions.

8. On 23 December 2009, the Security Council adopted resolution 1907 (2009), by which it imposed a ban on the sale or supply to and from Eritrea of arms and related materiel, technical assistance and training. By the same resolution, the Council imposed an assets freeze, a travel ban and a targeted arms embargo on individuals and entities, including but not limited to the Eritrean political and military leadership, designated by the Committee as (a) violating the arms embargo; (b) providing support from Eritrea to armed opposition groups which aim to destabilize the region; (c) obstructing the implementation of resolution 1862 (2009) concerning Djibouti; (d) harbouring, financing, facilitating, supporting, organizing, training or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region; or (e) obstructing the investigations or work of the Monitoring Group. The Council further expanded the mandate of the Monitoring Group to monitor and report on the implementation of the measures imposed by resolution 1907 (2009).

9. As the Security Council, by resolution 1907 (2009), expanded the mandate of the Committee, it decided on 26 February 2010 to change the Committee's name to "Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea".

10. On 5 December 2011, the Security Council adopted resolution 2023 (2011) by which it expanded the restrictive measures for Eritrea in the area of "Diaspora tax", the Eritrean mining sector and financial services, and expanded the mandate of the Monitoring Group to monitor the implementation of those measures, and demanded that Eritrea make available information pertaining to Djiboutian combatants missing in action.

11. On 19 March 2010, the Security Council adopted resolution 1916 (2010), by which it decided, that for a period of 12 months, the assets freeze that it had imposed by paragraph 3 of resolution 1844 (2008) should not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia. By resolution 1972 (2011), adopted on 17 March 2011, the Council renewed that exemption for 16 months. By resolution 1916 (2010), the Council requested the United Nations Humanitarian Aid Coordinator for Somalia to report to it every 120 days on any impediments to the delivery of humanitarian assistance in Somalia. By resolution 1972 (2011), the Council requested the Emergency Relief Coordinator to report to it on the same issue by 15 November 2011 and 15 July 2012.

III. Summary of the Committee's activities

12. During 2011, the Committee met nine times in informal consultations (on 9 February, 11 March, 23 May, 15 July, 22 July, 27 July, 9 August, 13 September and 9 November). Furthermore, the Committee conducted a good amount of its work through written procedures.

13. On 9 February 2011, the Committee received a midterm briefing from the Coordinator of the Monitoring Group on Somalia and Eritrea, pursuant to paragraph 6 (j) of resolution 1916 (2010). In addition, the Special Representative of the International Criminal Police Organization (INTERPOL) to the United Nations introduced the work done by INTERPOL and the existing cooperation between it and the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities with regard to special notices.

14. During the informal consultations held on 11 March 2011, the Committee was briefed by the Deputy Director of the Coordination and Response Division of the Office for the Coordination of Humanitarian Affairs on the third 120-day report of the United Nations Resident and Humanitarian Coordinator for Somalia (S/2011/125), issued pursuant to paragraph 11 of resolution 1916 (2010).

15. On 23 May 2011, the Special Representative of the Secretary-General for Children and Armed Conflict briefed the Committee. As part of her briefing, she requested the inclusion of explicit and specific designation criteria for grave violations against children. In response to that request, the Council adopted, on 29 July 2011, resolution 2002 (2011), by which it added the recruitment and use of children as well as the targeting of civilians, including women and children, to the designation criteria for the measures imposed under resolution 1844 (2008). Furthermore, the Coordinator of the Monitoring Group provided an update of the Group's work.

16. On 15 July 2011, the Committee was briefed by the Coordinator of the Monitoring Group on the findings contained in the Group's final report (S/2011/433). The Committee also commenced its consideration of the Group's recommendations, which was continued on 9 August 2011.

17. During informal consultations on 22 July 2011, the Committee received a briefing by a delegation from Eritrea on the Monitoring Group's findings pertaining to Eritrea. The delegation announced that it would transmit a comprehensive response to the Group's report to the Committee, which it did on 20 October 2011. On 27 July, a delegation from Ethiopia briefed the Committee on the same matter.

18. The Coordinator of the Monitoring Group on Somalia and Eritrea informed the Committee on 13 September 2011 of the Group's workplan for its extended mandate.

19. During its informal consultations on 9 November 2011, the Committee considered the first report (S/2011/694) pursuant to paragraph 5 of resolution 1972 (2011). In that connection, the Committee heard a briefing by the Deputy Director of the Coordination and Response Division of the Office for the Coordination of Humanitarian Affairs.

20. On 15 March, 21 July and 16 November 2011, the Chair of the Committee briefed the Security Council during consultations on the Committee's activities during the previous 120 days, pursuant to paragraph 11 (g) of resolution 1844 (2008).

21. During the reporting period, the Committee approved 10 requests for exemptions to the arms embargo for non-lethal military equipment pursuant to paragraph 3 of resolution 1356 (2001) and 7 requests for exemptions to the arms embargo pursuant to paragraph 11 (b) of resolution 1772 (2007). The Committee also approved one notification in accordance with paragraph 4 (a) of resolution 1844 (2008).